SENATE BILL   No. 1577

Introduced by Committee on Elections and Reapportionment
(Senators Perata (Chair), Escutia, and Murray)

February 19, 2004

An act to amend Sections 17 ~~and 2124 of~~, *331, 332, 2124, 3400, 4000, and 9160 of, and to amend and repeal Section 12223 of,* the Elections Code, relating to voting.

LEGISLATIVE COUNSEL'S DIGEST

SB 1577, as amended, Committee on Elections and Reapportionment. Elections: voting.

(1) Existing law requires the Secretary of State to establish and maintain administrative complaint procedures, pursuant to the requirements of the federal Help America Vote Act of 2002.

This bill would prohibit the Secretary of State from establishing a requirement that the administrative remedies provided in the complaint procedures be exhausted in order to pursue any other remedies provided by state or federal law.

(2) Existing law defines a new citizen as any person who meets all the requirements of an elector of, and has established residency in, California, except that he or she will become a United States citizen after the 29th day prior to an election, but on or before the 7th day prior to that election.

This bill would, instead, define a new citizen as any person who meets all the requirements of an elector of, and has established residency in, California, except that he or she will become a United States citizen after the 15th day prior to an election, but on or before the 7th day prior to that election.

(3) Existing law defines a new resident as any person who meets all the requirements of an elector of the State of California, except that his or her residency was established after the 29th day prior to an election.

This bill would, instead, define a new resident as any person who meets all the requirements of an elector of the State of California, except that his or her residency was established after the 15th day prior to an election.

(4) Existing law requires the Secretary of State to adopt, by regulation, uniform standards for proof of residency to apply in all instances where voters and new registrants are required by law to prove residency.

This bill would, instead, require the Secretary of State to adopt uniform and nondiscriminatory standards for meeting the identification requirements of the federal Help America Vote Act of 2002.

(5) Existing law requires that registration for new residents begin the 28th day prior to an election and end on the 7th day prior to the election day.

This bill would, instead, require that registration for new residents begin the 14th day prior to an election.

(6) Existing law authorizes an election to be conducted wholly by mail, but limits the use of this mail ballot procedure to elections in which no more than 1,000 registered voters are eligible to participate in the election, elections for measures restricted to the imposition of taxes or expenditure limitation in cities, counties, or special districts with 5,000 or fewer registered voters, and other elections that are expressly included within a list enumerated in existing law.

This bill would allow the mail ballot procedure in elections in which no more that 100,000 voters are eligible. The bill would remove the restriction that the mail ballot procedure be used only in elections for measures relating to expenditure limits, and would allow the procedure to be used in a city, county, or special district with 100,000 or fewer voters. The bill would also allow the mail ballot procedure to be used in a municipal election that is held to submit a measure or measures to a vote in a city that conducts its own elections, if other specified requirements are met.

(7) Existing law requires the county counsel or district attorney of a county in which an election on a measure is to be held to prepare an impartial analysis of the measure. In the event that the entire text of the measure is not printed on the ballot or in the sample ballot, existing law requires, immediately following the impartial analysis, a written

statement informing voters that a copy of the entire ordinance or measure is available by calling the elections official's office.

This bill would allow an elections official, at his or her discretion, to include an additional written statement following the impartial analysis indicating that the full text of the measure may be obtained on the county Web site.

(8) Existing law, which is operative until January 1, 2005, prescribes the duties of county elections officials in connection with the formation of election precincts or the change of precinct boundaries, among other things, and provides that the number of voters may not exceed 1,000 in any new or changed voting precinct in counties with a population of less than 1,000,000, or 1,250 in counties with a population of 1,000,000 or more. Existing law requires an elections official to provide to the Secretary of State and to the public written information that addresses specified factors before establishing a precinct in which the number of voters exceeds 1,000.

This bill would extend these provisions of existing law. By requiring local elections officials to continue to provide certain information to the Secretary of State, this bill would impose a state-mandated local program.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

1　　SECTION 1.　Section 17 of the Elections Code is amended to
2　read:
3　　17.　The Secretary of State shall establish and maintain
4　administrative complaint procedures, pursuant to the requirements

1 of the Help America Vote Act of 2002 (42 U.S.C. Sec. 15512), in
2 order to remedy grievances in the administration of elections. The
3 Secretary of State may not require that the administrative remedies
4 provided in the complaint procedures established pursuant to this
5 section be exhausted in order to pursue any other remedies
6 provided by state or federal law.
7 SEC. 2. *Section 331 of the Elections Code is amended to read:*
8 331. "New citizen" means any person who meets all
9 requirements of an elector of, and has established residency in, the
10 State of California, except that he or she will become a United
11 States citizen after the ~~29th~~ *15th* day prior to an election but on or
12 before the seventh day prior to that election.
13 *SEC. 3. Section 332 of the Elections Code is amended to read:*
14 332. "New resident" means a person who meets all
15 requirements of an elector of the State of California except that his
16 or her residency was established subsequent to the ~~29th~~ *15th* day
17 prior to the election.
18 The new resident is eligible to vote for President and Vice
19 President and for no other office.
20 *SEC. 4.* Section 2124 of the Elections Code is amended to
21 read:
22 2124. The Secretary of State shall adopt uniform and
23 nondiscriminatory standards for meeting the identification
24 requirements of the Help America Vote Act of 2002 (42 U.S.C.
25 Sec. 15483(b)).
26 *SEC. 5. Section 3400 of the Elections Code is amended to*
27 *read:*
28 3400. Registration for new residents shall be in progress
29 beginning with the ~~28th~~ *14th* day prior to an election and ending
30 on the seventh day prior to election day.
31 This registration must be executed in the county elections office
32 and the new resident shall vote a new resident's ballot in that office.
33 *SEC. 6. Section 4000 of the Elections Code is amended to*
34 *read:*
35 4000. A local, special, or consolidated election may be
36 conducted wholly by mail provided that all of the following
37 conditions apply:
38 (a) The governing body of the local agency authorizes the use
39 of mailed ballots for the election.

1   (b) The election is held on an established mailed ballot election
2 date pursuant to Section 1500.
3   (c) The election is one of the following:
4   (1) An election in which no more than ~~1,000~~ *100,000* registered
5 voters are eligible to participate.
6   (2) ~~A maximum property tax rate election as provided for in~~
7 ~~Section 2287 of the Revenue and Taxation Code.~~
8   ~~(3)~~ An election on a measure or measures restricted to ~~(A) the~~
9 ~~imposition of special taxes, or (B)~~ expenditure limitation
10 overrides~~, or (C) both (A) and (B),~~ in a city, county, or special
11 district with ~~5,000 or less~~ *100,000 or fewer* registered voters
12 calculated as of the time of the last report of registration by the
13 county elections official to the Secretary of State.
14   ~~(4)~~
15   *(3)* An election on the issuance of a general obligation water
16 bond in accordance with Section 12944.5 of the Water Code.
17   ~~(5)~~
18   *(4)* An election of the Directors of the Monterey Peninsula
19 Water Management District as authorized in Section 122 of
20 Chapter 527 of the Statutes of 1977, known as the Monterey
21 Peninsula Water Management District Law.
22   ~~(6)~~
23   *(5)* An election of the Aliso Water Management Agency, or its
24 affected member agencies, pursuant to Sections 13416 and 13417
25 of the Water Code.
26   ~~(7)~~
27   *(6)* An election of the San Jacinto Mountain Area Water Study
28 Agency pursuant to Sections 13416 and 13417 of the Water Code.
29   ~~(8)~~
30   *(7)* An election of the San Lorenzo Valley Water District
31 pursuant to Sections 13416 and 13417 of the Water Code.
32   ~~(9)~~
33   *(8)* An election ~~or assessment ballot proceeding~~ required ~~or~~
34 ~~authorized~~ by Article XIII C ~~or XIII D~~ of the California
35 Constitution. ~~However, when an assessment ballot proceeding is~~
36 ~~conducted by mail pursuant to this section, the following rules~~
37 ~~apply:~~
38   ~~(A) The proceeding shall be denominated an "assessment~~
39 ~~ballot proceeding" rather than an election.~~
40   ~~(B) Ballots shall be denominated "assessment ballots."~~

1 *(9) A municipal election that is held to submit a measure or*
2 *measures to a vote in a city that conducts its own elections.*
3 SEC. 7.   *Section 9160 of the Elections Code is amended to*
4 *read:*
5 9160.   (a) Whenever any county measure qualifies for a place
6 on the ballot, the county elections official shall transmit a copy of
7 the measure to the county auditor and to the county counsel or to
8 the district attorney in any county which has no county counsel.
9 (b) The county counsel or district attorney shall prepare an
10 impartial analysis of the measure showing the effect of the measure
11 on the existing law and the operation of the measure. The analysis
12 shall be printed preceding the arguments for and against the
13 measure. The analysis ~~shall~~ *may* not exceed 500 words in length.
14 In the event the entire text of the measure is not printed on the
15 ballot, nor in the voter information portion of the sample ballot,
16 there shall be printed immediately below the impartial analysis, in
17 no less than 10-point boldface type, a legend substantially as
18 follows:
19 "The above statement is an impartial analysis of Ordinance or
20 Measure ____. If you desire a copy of the ordinance or measure,
21 please call the elections official's office at (insert telephone
22 number) and a copy will be mailed at no cost to you."
23 *The elections official may, at his or her discretion, add the*
24 *following message: "You may also access the full text of the*
25 *measure on the county Web site at the following Web site address*
26 *(insert Web site address)."*
27 (c) Not later than 88 days prior to an election that includes a
28 county ballot measure, the board of supervisors may direct the
29 county auditor to review the measure and determine whether the
30 substance thereof, if adopted, would affect the revenues or
31 expenditures of the county. He or she shall prepare a fiscal impact
32 statement which estimates the amount of any increase or decrease
33 in revenues or costs to the county if the proposed measure is
34 adopted. The fiscal impact statement is "official matter" within
35 the meaning of Section 13303, and shall be printed preceding the
36 arguments for and against the measure. The fiscal impact
37 statement ~~shall~~ *may* not exceed 500 words in length.
38 SEC. 8.   *Section 12223 of the Elections Code, as amended by*
39 *Section 2 of Chapter 904 of the Statutes of 2001, is amended to*
40 *read:*

1   12223. (a) Whenever any jurisdiction is divided into
2 election precincts or whenever the boundaries of established
3 precincts are changed or new precincts created, the precinct
4 boundaries shall be fixed in a manner so that the number of voters
5 in each precinct does not exceed 1,000 in counties with a
6 population of less than 1,000,000, and does not exceed 1,250 in all
7 other counties, on the 88th day prior to the day of election, unless
8 otherwise provided by law.
9   (b) Before establishing an election precinct in which the
10 number of voters exceeds 1,000, the elections official shall provide
11 to the Secretary of State and to the public written information
12 which addresses all of the following:
13   (1) Absentee voting patterns of the registered voters in the
14 proposed precinct areas.
15   (2) Voter turnout rates at polling places in the precinct areas.
16   (3) The consistency of the location of the polling place, from
17 one statewide election to the next.
18   (4) Proposed staffing levels at the precinct and training to be
19 provided to poll workers.
20   (5) Compliance with the federal Voting and Accessibility for
21 the Elderly and Handicapped Act of 1984 (42 U.S.C. Sec. 1973ee)
22 and Section 12280 of this code.
23   (c) A county that increases any election precinct to more than
24 1,000 voters shall report that action to the Secretary of State and
25 shall provide any information required by the Secretary of State to
26 determine the impact of that increase. The Secretary of State shall
27 report to the Legislature by January 1, 2004, on the impact of
28 election precincts in excess of 1,000 voters. The report shall
29 include recommendations about whether or not future legislative
30 action is necessary.
31   (d) This section shall remain in effect only until January 1,
32 2005, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, 2005, deletes or extends that date.
34   *SEC. 9.   Section 12223 of the Elections Code, as added by*
35 *Section 3 of Chapter 904 of the Statutes of 2001, is repealed.*
36   12223. (a) Whenever a jurisdiction is divided into election
37 precincts or whenever the boundary of an established precinct is
38 changed or a new precinct is created, the precinct boundary shall
39 be fixed in a manner so that the number of voters in the precinct

1 ~~does not exceed 1,000 on the 88th day prior to the day of election,~~
2 ~~unless otherwise provided by law.~~
3 ~~(b) This section shall become operative on January 1, 2005.~~
4 *SEC. 10.* *Notwithstanding Section 17610 of the Government*
5 *Code, if the Commission on State Mandates determines that this*
6 *act contains costs mandated by the state, reimbursement to local*
7 *agencies and school districts for those costs shall be made*
8 *pursuant to Part 7 (commencing with Section 17500) of Division*
9 *4 of Title 2 of the Government Code. If the statewide cost of the*
10 *claim for reimbursement does not exceed one million dollars*
11 *($1,000,000), reimbursement shall be made from the State*
12 *Mandates Claims Fund.*

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